

REMARKS

The following remarks and the above amendments are submitted to address all issues in this case, and to put this case in condition for allowance. The claims are amended solely to specifically call out that “Bluetooth” is a trademark and to better define the subject matter of the present invention. The Specification is amended to specifically call out that “Bluetooth” is a trademark. After the above amendment, application claims 1 through 20 are pending in the application. Application claims 1, 19 and 20 are independent.

Applicants have studied the Office Action Mailed April 26, 2005 and have the following remarks.

IDS

Applicants thank the Examiner for the signed 1449 but note that item F was neither initialed nor crossed off and asks that a revised 1449 be sent indicating if item F was considered or not.

35 U.S.C. §112

The Examiner objected to claim 6 for not pointing out that Bluetooth is a trademark. The Term has been amended to make the Trademark clear. The Examiner rejected claim 16 as being indefinite. Without admission as to the correctness of the rejection, claim 16 has been amended to eliminate the “as used by the United States military” terminology. This claim is now believed to be sufficiently definite as field deployable ECUs (FDECU) and light ECUs (LECU) are devices known to those of skill in the art.

35 U.S.C. §103

The Examiner has rejected claims 1-4 and 7-20 as obvious in light of Tokuda et al (5,489,319 - hereinafter Tokuda) and claims 5 and 6 as obvious in light of the combination of Takuda with Rick et al (5,925,172 - hereinafter Rick). Applicant respectfully traverses the rejection of the claims on the grounds that the Examiner has not presented a *prima facie* case of obviousness and that the current claims are not obvious in light of the above combination.

In particular, Takuda fails to show a filtration unit having two separate air paths, one of which is filtered and the other of which is unfiltered or a method for providing filtered and unfiltered air to an Environmental Control Unit (ECU) as discussed in claims 1 and 19. Also, Takuda fails to show use of an NBC filter in the filtered air path as discussed in claims 1, 19, and 20. None of these deficiencies is made up by Rick.

Applicant respectfully asserts that Takuda is to a completely different type of system. Takuda does not discuss a filtration unit providing air to an Environmental Control Unit (ECU). While Takuda does include an “ECU,” that abbreviation is clearly not used for an Environmental Control Unit as discussed in claims 1 and 19. As is known to those of ordinary skill in the art, an Environmental Control Unit is a device for providing air to an enclosed structure or other object such as is discussed in the Background section of the current application and in some of the provided references.

The abbreviation of ECU in Takuda seems instead to describe an “Electronic Control Unit.” “7 denotes a controller that controls valves 8,9, a heating system 17, a blower 18 and others based on the outputs of engine 1, temperature detectors 13, 14, and pressure sensors 15, 16. Controller 7 comprises a CPU and memory.” [Col. 4, lines 23-27] There is no indication

that this is an air handling device for use with an enclosed shelter or similar object. It instead appears to be the controller of an exhaust filtration device.

The only apparent similarity between the two ECU devices is that they both use the abbreviation “ECU.” The use of the same acronym, however, gives no teaching that the Electronic Control Unit of Takuda has any of the functionality of the Environmental Control Unit of the instant claims. A quick search of www.acronym-finder.com indicates that there are, in fact, at least 37 different things that use the abbreviation “ECU.” As the Examiner has solely indicated that Takuda has an ECU, without showing that Takuda provides air flow to an Environmental Control Unit as in the instant claims, the Examiner has failed to provide a *prima facie* case of obviousness as Takuda lacks a filtration device for providing air to an Environmental Control Unit as discussed in the instant claims.

Even if one was to allow the Electronic Control Unit of Takuda to be considered an Environmental Control Unit (even though such is clearly incorrect), Takuda still fails to show two air paths passing air to the ECU as discussed in claims 1 and 19. The ECU of Takuda is connected to the exhaust path (the alleged air paths in the Examiner’s interpretation) by purely electronic means which connect to sensors and the like for providing electronic data back to the ECU. It is never discussed that exhaust is provided to the ECU of Takuda. Once again, the Examiner has failed to provide a *prima facie* case of obviousness.

Takuda also fails to show a controller selecting which path supplies air to the ECU. In the current device, the air is either filtered or not. That is, the controller selects to pull air down the filtered path or the unfiltered path. In Takuda, the selection is how much of the exhaust is filtered vs. how much is not and air is not provided down the path exhaust gases are. The paths

referred to by the Examiner are for exhaust gas from an engine, not for air as that term is used in the instant specification.

The Examiner's argument is also internally inconsistent on this issue. The Examiner cites that the ECU of Takuda is both where the air is supplied to, and would also need to be the controller for selecting which path it takes in order to reject the claims. Yet, the ECU of Takuda clearly does not serve both functions as the exhaust path clearly enters the muffler 5 and is exhausted, it does not enter the ECU.

Still further, Takuda fails to show use of an NBC filter in the filtered air path. This element of all the independent claims is in fact not discussed by the Examiner at all. The Examiner cannot provide a *prima facie* case when there are elements of the claims not discussed or indicated. Examining Takuda shows that Takuda does not include an NBC filter. Instead, Takuda includes a filter for cleaning carbon from exhaust gas “3 denotes a filter that cleans exhaust gas by impacting particulate matter of carbon components and others in exhaust gas.” [Col. 4, lines 16-19]. The filter appears to be heated to burn off deposited soot. There is no indication in Takuda that this filter is designed to filter Nuclear, Biological, and Chemical (NBC) agents. In fact it appears that such filter would be incapable of such filtration.

Simply for completeness, Applicants note that the Examiner did not allege that Rick showed any of the above referenced elements of the independent claims, and applicants agree that the device of Rick does not show any of the above referenced elements of the independent claims. It therefore cannot make up the elements clearly missing from the disclosure of Takuda.

In light of the above remarks, Applicants respectfully request that the Examiner withdraw his rejection of independent claims 1, 19 and 20. As all other claims depend from one of these claims, Applicants further request that the rejection of the remaining claims also be withdrawn.

Conclusion

In light of the above remarks, Applicants believe there are no further issues regarding the patentability of the pending claims and respectfully request the Examiner withdraw the rejections and allow all pending claims so that this case can pass on to issue.

Applicants believe no additional fees are due in conjunction with this filing, however, the Commissioner is authorized to credit any overpayment or charge any deficiencies necessary for entering this amendment, including any claims fees and/or extension fees to/from our **Deposit Account No. 50-0975.**

If any questions remain, Applicant respectfully requests a telephone call to the below-signed attorney at (314) 444-7783.

Respectfully submitted,
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